

COPY OF PAPERS ORIGINALLY FILED

PTO/SB/26 (10-00) Approved for use 10/31/2002. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING **REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)

26306-3

	In re Application of: Hertelendy et al.		RECE	VED
	Application No.: 09/516,078		MAY 2 0	2002
	Filed: March 1, 2000			
	For: UROGENITAL OR ANORECTAL TRANSMUCOSA	AL VACCINE DELIVERY SYST	TECH CENTER	1600 2900
	The owner*, Protein Express, Inc., of 100 hereby disclaims, except as provided below, the termina instant application, which would extend beyond the extend to 156 and 173, as presently shortened 6,099.853. The owner hereby agrees that an enforceable only for and during such period that it and runs with any patent granted on the instant application assigns.	ny patent granted on the tory term defined in 35 or, of prior Patent No. stant application shall be owned. This agreement	k 12	
\$ **	In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.			
	Check either box 1 or 2 below, if appropriate.			
	1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.			
:	I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.			
	2. The undersigned is an attorney or agent of record.	Mr. Espa	October 11, 2001	
/16/2002 (NGUYEN 00000006 09516078	Signature	Date	
FC:248	55.00 OP	Robert H. Earp, III	#41,004	
		Typed or print		T.
	Terminal disclaimer fee under 37 CFR 1.20(d) included.		•	724
	WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the Individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

Form PTO/SB/96 may be used for making this certification. See MPEP § 324.